

ENTERED

May 31, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RONALD MCGAUGHEY,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:21-CV-00252

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 19). The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b); General Order No. 2002-13. Petitioner filed what appears as, and what the Court liberally construes as, objections to the M&R. *See* (D.E. 20; D.E. 22). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which the Petitioner's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Petitioner's objections (D.E. 20; D.E. 22). Accordingly:

(1) The Court **ADOPTS** the M&R in its entirety. (D.E. 19).

(2) Respondent's motion for summary judgment (D.E. 18) is **GRANTED**.

(3) Petitioner's habeas corpus petition (D.E. 1), filed pursuant to 28 U.S.C. § 2254, is **DISMISSED as untimely** due to Petitioner's failure to satisfy the limitation period. *See* 28 U.S.C. § 2244(d).

(4) A Certificate of Appealability is **DENIED**. *See id.* § 2253(c).

A final judgment will be entered separately.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
May 31st, 2022